

June 19, 2015

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
June 19, 2015

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 9:30 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Fredrick H. Bates, Chairman; Anita M. Cummings, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director (by telephone); and Roneta Taylor (by telephone), Illinois Department of Central Management Services

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD ON MAY 15, 2015

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD ON MAY 15, 2015.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

At this time, in accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Daniel Stralka offered an opportunity for any person to address members of the Commission. Hearing no response, the meeting proceeded to the next agenda item.

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V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Department of Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	143.....	18
Agriculture	329.....	20
Arts Council	15.....	2
Capitol Development Board.....	46.....	0
Central Management Services.....	1,357.....	115
Children and Family Services	2,622.....	49
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	318.....	69
Commerce Commission	66.....	0
Corrections.....	11,068.....	98
Criminal Justice Authority	54.....	5
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council.....	9.....	1
Emergency Management Agency.....	77.....	5
Employment Security	1,211.....	32
Environmental Protection Agency.....	770.....	18
Financial & Professional Regulation.....	446.....	49
Gaming Board	163.....	6
Guardianship and Advocacy	105.....	8
Healthcare and Family Services	2,043.....	26
Historic Preservation Agency.....	142.....	14
Human Rights Commission.....	13.....	2
Human Rights Department.....	134.....	9
Human Services	13,213.....	74
Illinois Torture Inquiry Relief Commission	3.....	1
Independent Tax Tribunal	1.....	0
Insurance	243.....	16
Investment Board	4.....	2
Juvenile Justice.....	1,023.....	25
Labor.....	100.....	11
Labor Relations Board Educational.....	10.....	2
Labor Relations Board State.....	16.....	2
Law Enforcement Training & Standards Bd.	17.....	2
Lottery.....	129.....	7
Military Affairs	122.....	3
Natural Resources	1,214.....	31
Pollution Control Board	19.....	2
Prisoner Review Board.....	16.....	0
Property Tax Appeal Board.....	30.....	1
Public Health.....	1,178.....	41
Racing Board.....	2.....	1
Revenue.....	1,714.....	54
State Fire Marshal	125.....	12
State Police.....	1,084.....	9
State Police Merit Board	5.....	2
State Retirement Systems.....	108.....	3
Transportation	2,283.....	0
Veterans' Affairs.....	1,365.....	9
Workers' Compensation Commission.....	124.....	11
TOTALS	45,290.....	868

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
- 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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C. None submitted

VI. CONSIDERATION OF THE STATUS OF PRIVATE SECRETARIES AND CONFIDENTIAL ASSISTANTS EXEMPT FROM JURISDICTION B PURSUANT TO SECTION 4D(1) OF THE PERSONNEL CODE

Executive Director Stralka indicated that he had prepared a final report (previously provided to the Commissioners) that incorporated the response of Central Management Services. After additional discussion in which all Commissioners participated, it was the consensus of the Commissioners that Staff should notify the agencies specifically listed in the Report of issues with their use of Section 4d(1) exemptions, with the exception of the Illinois Historic Preservation Agency since pending legislation may obviate that exception, and report back to the Commissioners at the September meeting. Roneta Taylor, Central Management Services-Technical Services, indicated that she would provide Staff with an updated listing. It was also the consensus of the Commissioners to accept the Report and that it be attached to the Minutes of the meeting.

VII. CLASS SPECIFICATIONS

A. Governing Rule – Section 1.45 Classification Plan

The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those that meet the requirements of the Personnel Code and Personnel Rules and conform to the following accepted principles of position classification:

- a) The specifications are descriptive of the work being done or that will be done;
- b) Identifiable differentials are set forth among classes that are sufficiently significant to permit the assignment of individual positions to the appropriate class;
- c) Reasonable career promotional opportunities are provided;
- d) The specifications provide a reasonable and valid basis for selection screening by merit examinations;
- e) All requirements of the positions are consistent with classes similar in difficulty, complexity and nature of work.

B. None submitted

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

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VIII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 TO CLOSE A PORTION OF THE MEETING PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

BATES	YES	CUMMINGS	YES
KREY	YES	URLACHER	YES

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IX. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 9:41 a.m.

PRESENT

Fredrick H. Bates, Chairman; Anita M. Cummings, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; and Assistant Executive Director Andrew Barris (by telephone).

X. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department.

Agency	4/30/15	5/31/15	5/31/14
Aging	0	0	2
Central Management Services	1	2	7
Children and Family Services	4	3	6
Corrections	0	0	1
Criminal Justice Authority	0	0	1
Gaming Board	0	0	1
Healthcare and Family Services	2	3	7
Historic Preservation Agency	0	0	5
Human Services	7	8	1
Insurance	0	0	1
Juvenile Justice	0	0	1
Natural Resources	4	3	0
Revenue	0	6	3
State Retirement Systems	4	4	1
Veterans' Affairs	0	0	1
Totals	22	29	38

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XI. INTERLOCUTORY APPEAL

DA-43-15

Employee	Stephen E. Rich	Appeal Date	4/24/15
Agency	Corrections	Decision Date	6/03/15
Type	Discharge	ALJ	Andrew Barris
Issue(s)	Motion To Dismiss filed for no jurisdiction (employee was not certified at the time of his discharge)	Proposal for Decision	Motion to Dismiss granted subject to approval of Commission; no jurisdiction.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO GRANT THE MOTION TO DISMISS FOR NO JURISDICTION FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED JUNE 3, 2015.

**BATES YES CUMMINGS YES
KREY YES URLACHER YES**

XII. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

DA-38-15

Employee	Samuel L. Williams	Appeal Date	3/11/15
Agency	Corrections	Decision Date	6/03/15
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO UPHOLD THE DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED JUNE 3, 2015.

**BATES YES CUMMINGS YES
KREY YES URLACHER YES**

XIII. REVIEW OF CLOSED MEETING MINUTES PURSUANT TO OPEN MEETINGS ACT

Assistant Executive Andrew Barris reported that there has not been a request from the public regarding the closed meeting minutes for the last six months and after a review of the minutes it was determined that the need for confidentiality still exists.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 4-0 THAT AFTER REVIEW OF CLOSED MEETING MINUTES PURSUANT TO THE OPEN MEETINGS ACT, THE NEED FOR CONFIDENTIALITY STILL EXISTS AS TO ALL THOSE MINUTES.

XIV. APPROVAL OF THE DESTRUCTION OF THE AUDIO VERBATIM RECORDINGS OF CLOSED SESSIONS PRIOR TO JULY 1, 2013 IN ACCORDANCE WITH THE OPEN MEETINGS ACT

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 4-0 THAT THE DESTRUCTION OF THE AUDIO VERBATIM RECORDINGS OF CLOSED SESSIONS PRIOR TO JULY 1, 2013¹ IS APPROVED IN ACCORDANCE WITH THE OPEN MEETINGS ACT.

XV. STAFF REPORT

Assistant Executive Andrew Barris reported that there has been no new legislative activity on the bill regarding the movement of employees from the Illinois Historic Preservation Agency (IHPA) to the Department of Commerce and Economic Opportunity (DCEO) or the bill giving the Personnel Code priority over collective bargaining agreements. In response to Commissioner Cummings' question regarding the elimination of the IHPA, Barris explained that it, in effect, might happen in that the employees would be moved to DCEO and new personnel would be non-Code employees of the Presidential Library.

Executive Director Daniel Stralka reported that:

- He made a presentation to the Government Bar Association on the Nuts & Bolts of Practice before the Civil Service Commission on May 21, 2015.
- Central Management Services informed him that there is no pending legislation to make any material alteration to the Personnel Code. Chairman Bates recalled being advised that there was some activity in this regard and instructed the Staff to obtain

¹ The Commission voted on July 15, 2011 to maintain verbatim recordings for a minimum of 24 months before destruction.

from Central Management Services whatever information they may have compiled in this regard. Executive Director Stralka indicated he would follow through on this.

- Staff is in the process of sending out the informational email notifications to the list of merit comp employees impacted by the Management Bill. Commissioner Krey inquired about the accuracy of the list. Executive Director Stralka replied that a brief check of names indicated that it appeared to have the proper employees listed. He stated he will have a full count at the next meeting. Since the use of a generic email address was used for these email notifications, he broached the idea of using this as a means to effectuate electronic filing. Andrew Barris explained that it would be a large endeavor implementing an email filing system at this time due to personnel and technological constraints as a number of technological considerations must be taken into account, i.e., filing time, date stamp, office staffing, and junk e-mail folders. Unlike the federal government which has a closed system, any system set up by the Commission must be an open system in which staff can access the time, date and content of emails that would be sent by unknown users.
- A recent Executive Inspector General report was released that addressed the use of consecutive emergency appointments at the Department of Veterans' Affairs. He indicated that this was an area under the Commission's jurisdiction and that a more reliable Consecutive Non-Merit Appointment Report would assist in policing the use of these appointments. It was the consensus of the Commissioners for Staff to meet with CMS to review the current report and identify ways it can be improved.
- He shared with the Commissioners a list of demands that the State had made as part of its negotiations with AFSCME. While most of these items impacted Union employees exclusively, there were a number of items that, to be applied to merit comp employees, would require amendments to both the Pay Plan and/or Personnel Rules. Commissioner Krey and Chairman Bates both inquired about the mechanism for making such changes. Additional discussion ensued in which all Commissioners participated, and concluded with Staff indicating it would be monitoring the progress of negotiations for this purpose.
- The leases for both the office postage meter and copier expire at the end of this month. He is in the process of obtaining new leases. In addition, the Commission will be transitioning its telephone service to VoIP (voice over internet protocol) in the coming months. New handsets are being procured for this purpose.

Assistant Executive Andrew Barris addressed Open Meeting Act concerns regarding the use of email amongst the Commissioners and the opinion of the Attorney General's office at its Hotline. A discussion of public business by the Commissioners via e-mail might be considered a violation of the Open Meetings Act if the emails are sent and received close in time to one another. Barris previously called the Attorney General's Hotline regarding this issue and it was explained that board members speaking about an issue in a chat room or through instant messaging could be a violation of the Open Meetings Act as that might be a contemporaneous gathering of the Commissioners discussing public business. Chairman Bates asked if the Hotline specifically referred to a case involving email and Barris responded that it did not refer to such a case.

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XVI. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Friday, July 17, 2015 at 11:00 a.m. in the Commission's Chicago office.

XVII. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 10:01 A.M.